

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT  
 UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
 in the UNITED STATES DISTRICT COURT for the SOUTHERN DISTRICT of GEORGIA

FILED  
 U.S. DISTRICT COURT  
 BRUNSWICK DIV.

2016 OCT 11 AM 9:51

CLERK C. Adell  
 SO. DIST. OF GA.

Larry Dewayne McNeil

(Enter above full name of plaintiff or plaintiffs)

2:16-cv-137

v.

Duane Kirby, Sharleen Graham, Myra  
Murphy, Justin Sander, Jackie L.  
Johnson, Jan Kennedy, Et. Al;

(Enter above full name of defendant or defendants)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action? Yes ☒ No ☐

If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs:

Larry D. McNeil

Defendants:

T. J. Conley, Warden

2. Court (if federal court, name the district; if state court, name the county):

Washington County

3. Docket number:

15 cv 665

4. Name of judge assigned to case:

Robert S. Reeves

5. Disposition  
(for example, was the case dismissed? appealed? is it still pending?):

Still pending

6. Approximate date of filing lawsuit: 12/28/2015

7. Approximate date of disposition: Still pending

8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)?  
Yes ☒ No ☐

- B. While incarcerated or detained in any facility, have you brought any lawsuits in federal court which deal with facts other than those involved in this action?  
Yes ☒ No ☐

If your answer to B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to previous lawsuit:

Plaintiffs: Larry D. McNeil

Defendants: Preston Bohannon, Duane Kirby, Justin Sander, Brent Merritt

2. Court (name the district):

Southern District of Georgia Brunswick Division

3. Docket number: 2:16-cv-73

4. Name of judge assigned to case: R. STAN BAKER

5. Disposition  
(for example, was the case dismissed? appealed? is it still pending?):

- Dismissed

6. Approximate date of filing lawsuit: May 23, 2016

7. Approximate date of disposition: August 12, 2016
8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)? Yes ☒ No ☐

- C. As to any lawsuit filed in federal court where you were allowed to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes ☒ No ☐

1. If your answer to C is yes, name the court and docket number for each case:

Southern District of Georgia No. 2:16-cv-73  
Brunswick Division

II. Place of present confinement: Johnson State Prison

- A. Is there a prisoner grievance procedure in this institution? Yes ☒ No ☐
- B. Did you present the facts relating to your complaint to the appropriate grievance committee? Yes ☐ No ☒

- C. If your answer to B is yes:

1. What steps did you take? \_\_\_\_\_

N/A

2. What was the result? \_\_\_\_\_

N/A

3. Did you appeal any adverse decision to the highest level possible in the administrative procedure? You        No ✓

if yes, what was the result?

N/A

- D. If you did not utilize the prison grievance procedure, explain why not:

Not institution Matter.

#### IV. Parties

(In Item A below, list your name as plaintiff and current address. Provide the name and address of any additional plaintiffs on an attached sheet.)

- A. Name of plaintiff:  
Address:

Larry Dewayne McNeil # 935356  
P.O. Box. 344  
Johnson State Prison  
Wrightsville, Ga. 31096

(In Item B below, list the defendant's full name, position, place of employment, and current address. Provide the same information for any additional defendants in Item C below.)

- B. Name of defendant:  
Position:  
Place of employment:  
Current address:

"See attached!"

- C. Additional defendants:

V. Statement of Claim

State here as briefly as possible the FACTS in your case. Describe how each defendant is personally involved in the depriving you of your rights. You must include relevant times, dates, places, and names of witnesses. DO NOT GIVE LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

11 See attached 11

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

" See attached "

I declare under penalty of perjury that the foregoing is true and correct.

Signed this Oct day of 6, 19 2016

Prisoner No. 935356

Larry D. McNeil  
(Signature of Plaintiff)

## 1. JURISDICTION & VENUE

1. This is a Civil Action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3), and 18 U.S.C. § 1622.

Plaintiff McNeil seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff McNeil's claims for relief are authorized by Rule 65 of the Federal Rules of Civil Procedure. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. Section 1367, and 1346.

2. This Southern District of Georgia is an appropriate venue under U.S.C. Section 1391(b)(2) because it is where the events giving rise to this claim occurred.

## II. Plaintiff

3. Plaintiff LARRY DEWAYNE MCNEIL, was at all times mentioned herein a citizen of Jeff Davis County. He is currently confined in Johnson State Prison, in Wrightsville, Georgia.

### III. DEFENDANTS

4. Defendant Duane Kirby is the investigator of Jeff Davis Sheriff Department. His Current address is P.O. Box 237 Hazlehurst, Georgia. 31539.
5. Defendant Sharleen C. Graham is the Magistrate Judge of Jeff Davis Judicial Circuit. Her Current address is P.O. Box 429 Hazlehurst, Georgia 31539.
6. Defendant Myra Murphy is the Clerk of the Superior Court of Jeff Davis County. Her Current address is P.O. Box 429 Hazlehurst, Georgia 31539.
7. Defendant Justin Sander is the Deputy of the Jeff Davis Sheriff Department. His Current address is P.O. Box 237 Hazlehurst, Georgia 31539.
8. Defendant Jackie L. Johnson is the Elected District attorney of Brunswick Judicial Circuit. His Current address is 37 Tippins St Suite C Baxley, Georgia 31513.
9. Defendant Jan Kennedy is the assistance District attorney of Brunswick Judicial Circuit. Her Current address is 37 Tippins St Suite C Baxley, Georgia 31513.
10. Each defendant is Sued individually and in his Official Capacity. At all times mentioned in this Complaint each defendant acted Under the Color of State Law.  
"Imminent danger is an issue in this matter,  
I do Fear for my Life."



#### IV. FACTS

11. At all times relevant to this Case, Plaintiff Larry McNeil was a residence of Jeff Davis County.
12. On March 24, 2014 the investigator Duane Kirby and other Officials Fabricated an arrest Warrant Without establishing Probable Cause to have Plaintiff arrested.
13. The defendants, in an ongoing Conspiracy to Commit Fraud, did knowingly and Willingly Conspired with Sharleen Graham to issue a Warrant without Conducting an independant assessment as required Under due process Rights.
14. Because the Fabricated Warrant was based Upon an indictment, the grand Jury's determination that Probable Cause existed to return the indictment as a True bill. The indictment did not provide retroactive Probable Cause for the prior arrest and Violated Plaintiff's due process Rights.
15. The defendant, on March 24, 2014 Conspired together in an ongoing Conspiracy to Commit Fraud, to use the Fabricated Warrant Without due process to Conduct the independant

assessment as required Under the United States Constitution and State Law. The Prosecutors Conspired with other defendants to manufacture False evidence For Use against Plaintiff in Criminal and Police disciplinary Proceedings.

#### V. LEGAL CLAIMS

16. Plaintiff reallege and incorporate by reference Paragraphs 1-16.
17. Defendant Kirby and the others Officials Used the Fabricated Warrant to have Plaintiff arrested without establishing Probable Cause, and the Magistrate Judge issued it Without Conducting an independant assessment.

Defendant Kirby, Graham, Murphy, Sander, Johnson, and Kennedy action Violated Plaintiff McNeil's Rights Under the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution "Not to be deprived of Liberty, due Process, arrested, detained nor imprisoned" except Upon Probable Cause to believe him guilty of a Crime. Defendants Action Causing Plaintiff McNeil pain, Suffering, harm and emotional distress.

18. By Witnessing Defendant Kirby's illegal action, Failing to Correct that misconduct, and encouraging the Continuation of the misconduct, Defendant Graham, Murphy, Sander, Johnson, Kennedy and other Officials are also Violating Plaintiff McNeil's Rights Under Due process Clauses of the Fifth, Sixth, and Fourteenth Amendments, and Rights to a grand Jury indictment Under the Fifth and Fourteenth Amendments, and the right to a hearing, and trial Under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Causing Plaintiff McNeil pain, Suffering, harm and emotional distress.

19. The defendant Kirby has Conspired with other defendants to Manufacture False evidence for use against Plaintiff in Criminal and Police disciplinary Proceedings. Defendant Kirby's Action Violated and Continues to Violate Plaintiff McNeil's right Under Fifth Amendment to the United States Constitution, and is Causing Plaintiff McNeil, Pain, Suffering, harm, and emotional distress.

20. Plaintiff McNeil has no plain, adequate or Complete remedy at law to redress the Wrongs described herein. Plaintiff has been and will Continue to be irreparably

injured by the Conduct of the defendants Unless this Court grants the declaratory relief which Plaintiff seeks.

#### VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully pray that this Court enter Judgment:

21. Granting Plaintiff McNeil a declaration that the acts and omissions described herein violate his rights under the Constitution and laws of the United States, and
22. Granting Plaintiff McNeil Compensatory damages in the amount of \$\_\_\_\_\_ against each defendant, Jointly and Severally.
23. Plaintiff McNeil seek Punitive damages in the amount of \$\_\_\_\_\_. Plaintiff seeks these damages against each defendant, Jointly and Severally.
24. Plaintiff also seek a Jury trial on all issues triable by Jury,
25. Plaintiff also seek recovery of their costs in this suit, and
26. Any additional relief this Court deems Just, Proper, and equitable.

Date: Oct 6, 2016

Respectfully Submitted,

Larry D. McNeil # 935356

P.O. Box 344

Johnson State Prison

Wrightsville, Ga. 31096

VERIFICATION

I have read the Foregoing Complaint and hereby Verify that the Matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I Certify Under penalty of perjury that the Foregoing is true and Correct.

Executed at Johnson, State Prison on Oct 6, 2016.

Larry D. McNeil # 935356

Larry D. McNeil # 935356

P.O. Box 344

Johnson State Prison

Wrights Ville, Ga. 31096